IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15681 of 2004

Between:

N.Bangaru Naidu, S/o Gurrappa Naidu,
Mungilipattu Village Post, Chandragiri Mandal, Chittoor District

..... PETITIONER

AND

1 The Mandal Revenue Officer, Chandragiri Mandal, Chittoor District
2 The Revenue Divisional Officer, Puthalapattu Mandal, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly a Writ in the nature of Mandamus, declaring the proceedings dated 3-7-2004 in Roc No.C/809/2004 of the 2nd respondent as being illegal, arbitrary and is in violation of principles of natural justice and fair play besides violative of Articles 14,21 and 300-A of the Constitution of India and consequently set aside the same with a direction to the respondents to supply usual monthly quota to the petitioner.

Counsel for the Petitioner :MR. P.HEMACHANDRA

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.15681 OF 2004

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ORAL ORDER :

The petitioner claims to be the authorized fair price shop dealer of Mungilipattu Village & Post, Chandragiri Mandal, Chittoor District.

This writ petition is filed seeking a declaration that the proceedings of the second respondent – Revenue Divisional Officer, Puthalapattu Mandal, Chittoor District, dated 03-07-2004 as arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is alleged that the first respondent – Mandal Revenue Officer, Chandragiri Mandal, Chittoor District has inspected the

fair price shop in question on 14-06-2004 and on the basis of the report submitted by him the impugned proceedings dated 03-07-2004 were issued cancelling his authorization. The petitioner contends that the respondents have illegally cancelled his authorization since all the allegations made against him are false and baseless. Hence, this writ petition.

It is to be noted that a perusal of the impugned proceedings shows that it is only a show-cause notice under which the petitioner was called upon to explain as to why the authorisation should not be cancelled for the five charges specified thereunder.

However, the learned Counsel for the petitioner states that the respondents are not releasing the stocks to the petitioner for distribution to the cardholders.

In the circumstances, while leaving it open to the petitioner to seek redressal in case any order is passed cancelling the authorization, the Writ Petition is disposed of with a direction to the respondents to release the essential commodities to the petitioner if he is holding a valid authorization and the same is subsisting as on today.

28th October, 2004.

Note:- CC in one week.

(B/O)

gbs

To

1 The Mandal Revenue Officer, Chandragiri Mandal, Chittoor District
2 The Revenue Divisional Officer, Puthalapattu Mandal, Chittoor District

3.2CCs to G.P. for Civil Supplies, High Court of AP Bldgs, Hyderabad (OUT).

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